

TOWN COUNCIL MEETING

October 16, 2007

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:03 p.m. all Council members were present.

2. Minutes

September 18

Voted 5-0 to defer, (KM – RM).

4. Authorize Advertising for Alcohol Beverage License Renewals

Voted 5-0 to authorize advertising for public hearing for annual license renewals on November 20 at 7:00, (KM – RM).

5. Authorize Advertising for Public Hearing

a. Class BVL License – Fairlawn Café

Voted 5-0 to authorize advertisement for a public hearing to be held November 20 at 7:00, (KM – RM)

b. Class C License – Albion Social Club

Voted 5-0 to authorize advertisement for a public hearing to be held

November 20 at 7:00, (KM – RM)

6. Application for Victualling License

a. One Stop Pizzeria and Grill

Voted 5-0 to grant a victualling license to One Stop Pizzeria and Grill, (RM 0 JF).

TOWN COUNCIL

Call to Order 7:07 p.m.

Consent Agenda

Voted 5-0 to accept the consent agenda as amended, (RM – KM). The consent agenda consists of the following:

Minutes

- 1. September 17 – Show Cause Hearing**
- 2. September 17 – Work Session**
- 3. September 18 – Purchasing Committee**
- 4. September 18 – Ordinance Committee**
- 5. September 18 – Claims Committee**
- 6. September 18 – Public Safety Committee**

Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$24,307.27**
- 2. Accounts Payable – Town: \$423,631.86**
- 3. Direct Pay – Town: \$913,376.68**

Claims for Referral to Committee

- a. Joseph Goho**

Communications

1. State Mandated Financial Reports

a. School

b. Water Department

2. City of Newport

3. Brian Guadagni

Reports

- 1. Town Administrator**

Tax Abatements

- a. \$105,049.04**

Public Comment

Richard Pina: Mr. Pina submitted documents to the Council and asked for the Council's assistance with a dispute with Narragansett Electric. Council President O'Grady informed Mr. Pina that the Town Council has no jurisdiction this matter and referred him to Superior Court.

James Spooner: Mr. Spooner has concerns with ROW #17 and wants it to be a two way road with no parking on either side.

Minutes

7. September 18 – Regular Meeting

8. October 9 – Special Meeting

Voted 5-0 to defer these minutes, (KM – JJ).

Appointments

1. Sewer Appeals - District 1

Voted 5-0 to defer, (KM – JJ).

2. Conservation Commission – District 4

Voted 5-0 to defer, (JJ – KM).

3. Juvenile Hearing Board – Alternate

Voted 5-0 to defer, (JJ – KM).

4. Juvenile Hearing Board – Alternate

Voted 5-0 to defer, (JJ – KM).

5. Parks and Recreation Commission – District 3

Voted 5-0 to re-appoint David Boyle, (KM – RM)

6. Lincoln Redevelopment Agency – Town Council President

Voted 3-1 , with Councilor Macksoud opposed and Councilor McKenna abstaining, to appoint Timothy McMahon, (JJ – JF).

7. Lincoln Redevelopment Agency – Town Council President

Voted 5-0 to appoint Robert Kay, (JF – RM).

8. Lincoln Redevelopment Agency – Town Council President

Voted 5-0 to appoint Denise Panichais, (KM – JF).

9. Lincoln Redevelopment Agency – Town Council President

Voted 5-0 to appoint Claude Cote, (JJ – JF/KM).

10. Lincoln Redevelopment Agency – Town Council President

Voted 5-0 to appoint Raymond Trambucci, (RM – JJ).

11. Lincoln Redevelopment Agency – Town Administrator

Voted 5-0 to appoint Clegg, (KM – RM).

12. Lincoln Redevelopment Agency – Town Administrator

Voted 5-0 to appoint Elizabeth Robinson, (RM – KM/JO).

13. Land Trust – District 3

Voted 5-0 to appoint Peter McNaught, (KM – JJ/RM).

Unfinished Business

1. Claims Committee Report

a. 27 Red Brook Crossing

b. Dennis Pierson

Both of these items have been deferred in committee.

2. Ordinance Committee Report

a. Ordinance 07-14: Maintain sidewalks

Deferred in committee.

b. Ordinance 07-15: Bicycles on sidewalks

Voted 5-0 on roll call to approve Ordinance 07-15, (KM – JJ).

Ordinance

07-15

An Amendment to Chapter 220 of the Lincoln Code

The Town Council of the Town of Lincoln hereby ordains that the Code of Ordinances is amended by removing section 220-16. Riding Bicycles on Sidewalks, which reads as follows:

Every person who shall ride or otherwise use any bicycle or other like

vehicle, on the sidewalk of any public street shall, upon conviction, be punished in accordance with Chapter 1, General Provisions, Article II, General Penalty, of the Code of the Town of Lincoln.

c. Ordinance 07-16: Alcoholic Beverages

Deferred in committee.

d. Ordinance 07-17: Purchasing Policy

Voted 5-0 by roll call to adopt Ordinance 07-17, (KM – JJ).

Ordinance 07-17

ORDINANCE AMENDMENT

The Town Council of the Town of Lincoln hereby ordains

Now comes the Town Council and hereby amends Chapter 48 of the Code of Ordinances of the Town of Lincoln as follows:

Chapter 48: PURCHASING POLICY

§ 48-2. Method of source selection.

Except as otherwise authorized by law, all supplies and municipal contracts shall be purchased or awarded by:

A. Competitive sealed bidding, pursuant to § 48-6;

- B. Competitive negotiations, pursuant to § 48-7;**
- C. Noncompetitive negotiations, pursuant to §§ 48-8 and 48-9;**
- D. Small purchase procedures, pursuant to § 48-10.**
- E. Participation in the Rhode Island State Purchasing Master Price Agreements in accordance with R.I.G.L. §37-2-56.**
- F. Participation in Cooperative Purchasing Agreements with other Municipalities, pursuant to §48-9(C).**

§ 48-9. Sole source procurements, and emergency procurements, and Cooperative Purchasing Agreements.

A. A contract may be awarded for a supply, service or construction item without competition when, under these regulations, the Purchasing Officer determines, in writing, that there is only one source for the required supply, service or construction item.

B. Notwithstanding any other provision of this chapter, the Purchasing Agent may make or authorize others to make emergency procurements when there exists a threat to public health, welfare or safety under the emergency conditions as defined in those regulations or where the procurement will be in the best interest of the Town as established by these or any other properly promulgated rules and regulations; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency, and for the selection of the particular contractor, shall be included in the contract file.

C. Cooperative Purchasing Agreements. Nothing in this chapter shall

prevent the Purchasing Agent from entering into and participating in cooperative purchasing agreements with the state government or other local governments. He/she may participate in or sponsor, conduct, and/or administer a cooperative purchasing agreement for the acquisition of supplies, services, construction or any manner of item with any other public purchasing activity in the state, provided that the essential requirements of this chapter are met and the interest of the Town is best served. The Purchasing Agent must enter the cooperative purchasing agreement either: 1)prior to the bidding of the supply, service, construction or other item and make a finding that the purchasing procedures are in conformance with this chapter;or 2)must obtain the consentl of the vendor for the item or service prior to using and entering into a Cooperative Purchasing Agreement and the Purchasing Agent must also make a finding that the purchasing procedures were performed in accordance with this chapter.

e. Ordinance 07-18: Amendment to Impact Fee Ordinance

Voted 5-0 by roll call to adopt Ordiance07-18, (KM – JJ).

Ordinance 07-18

IMPACT FEE ORDINANCE AMENDMENT

The Town Council of the Town of Lincoln hereby ordains that the Code of Ordinances, Town of Lincoln, Rhode Island, Ordinance 06-12, entitled “An Ordinance Adopting and Enacting Impact Fees within the Town of Lincoln” is hereby amended as follows in order to be in compliance with State Law:

Section 7 Payment of Fee

The fee payer shall be assessed the facilities impact fee required by this ordinance upon application for a building permit, to the Building Official and shall be collected in full upon the issuance of a certificate of occupancy or other final action authorizing the intended use of a structure.

This amendment shall supersede any and all ordinances inconsistent herewith.

This Ordinance shall take effect upon passage.

3. Public Safety Committee Report

Councilor Flynn gave the report. ROW #17 is being reconsidered.

4. Purchasing Committee Report

. Permission to by-pass Competitive Bidding

a. Senior bus

Voted 5-0 to waive the competitive bidding process and award this bid to DATTCO Sales and Service in the amount of \$75,667.00 at the recommendation of the Finance Director, (JJ – KM).

Bids

a. Annual Town Calendar 2008

Voted 5-0 to award this bid to Five Star Graphics in the amount of \$5,280.00 at the recommendation of the Finance Director, (JJ – RM).

b. Ford F150 4X4 Regular Cab Style Side

Voted 5-0 to award this bid to Pride Ford in the amount of \$19,349.00 at the recommendation of the Finance Director, (JJ – KM).

5. Change Orders – Middle School

Voted 5-0 to approve the change orders for GEM Mechanical and Electrical in the amount of \$26,000.00 and Commercial Electric in the amount of \$2,400.00, (KM – JJ).

New Business

1. Resolution introduction for referral to Committee

a. Resolution 07-40: Purchase property adjacent to Lonsdale Park

Voted 5-0 to reconsider previous Resolution, (KM – RM).

Voted 5-0 to accept communication from Town Administrator on surveying error, (KM – JF).

Communications

4. State Mandated Financial Reports

a. Town

Voted 5-0 to accept, (JJ – KM). The Council asked for an update on the paperless agenda project. Expenditures were reported to not be high and this may need to be budgeted out.

5. Jim Spooner

6. Jim Spooner

7. Jim Spooner

8. Jim Spooner

Voted 5-0 to accept the communications from James Spooner, (KM – RM).

Adjourn 8:10 p.m.

Karen D. Allen

Town Clerk